

AFFIDAVIT

I, Special Agent William Barnett, being duly sworn, state under oath that:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been employed by the FBI for approximately one year and six months. I have been assigned to the Kansas City Career Criminal Task Force investigating violent crimes in the areas in and surrounding Kansas City, Missouri.
2. From my participation in this investigation of illegal firearm possession and possession of a stolen automobile, as well as from reviewing investigative reports and from discussions with other law enforcement officers, I have learned the following information:
3. I know from my previous training and experience that pursuant to Title 18, United States Code, Section 922(g)(1), that it shall be unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
4. This Affidavit contains information necessary to support probable cause for this application. It is not intended to include every fact or matter observed by me or known by law enforcement. The information provided is based on my personal knowledge and observation during the course of this investigation, information conveyed to me by other law enforcement officials, and my review of records, documents, and other physical evidence obtained during the investigation.
5. On August 4, 2020, at approximately 1107 hours, Kansas City, Missouri Police detectives were in the area of Truman Road and Winchester Avenue in Kansas City, Missouri, operating in a covert capacity within the Western District of Missouri. The detectives were investigating a group of stolen automobiles (one being a stolen Ford Mustang that was used in an aggravated assault in Kansas City, Missouri).
6. Kansas City, Missouri Police Detective Adam Hill observed the stolen Ford Mustang used in the aggravated assault travelling East on Truman Road. Detectives followed the vehicle where they observed it meet another stolen automobile (a white 2020 Volvo) at 23rd and Blue Ridge. While both vehicles were together, Independence Police Department Officers moved into the area and attempted to stop the stolen Volvo. Both vehicles fled from the scene. Detectives received information from the stolen Volvo's on-board GPS locator. The vehicle parked at 2901 E 29th St, Kansas City, Missouri at which time the GPS provider disabled the vehicle. Officers moved into the area and observed a white male and female

walking away from the vehicle. As officers approached, both the male and female began running, and officers began a foot pursuit. The male was wearing a backpack during the foot chase, which he dropped while running from officers. Officers immediately secured the backpack as the male jumped over a fence and was taken into custody by other officers. Law enforcement later identified the fleeing male as Zackory Phillips, white male, born November 11, 1993. Phillips was also found to be in possession of the stolen vehicle's key fob, several stolen identification cards from Kansas, and a box containing 13 rounds of Federal .270 rifle ammunition.

7. When Phillips dropped the backpack it was partially unzipped and a firearm inside a holster was observed in plain view. The firearm was later identified as a Springfield, Model XDS, 9mm caliber, semi-automatic handgun, bearing Serial Number S3794358.
8. On August 4, 2020, at 3:01 p.m., Phillips was read his *Miranda* rights and Phillips waived his rights and agreed to provide a statement regarding his arrest. During the course of the interview, Phillips admitted to stealing the firearm recovered in the backpack from the door pocket of an unlocked truck in the parking lot of the Plaza shopping area, believed to be the Country Club Plaza near the intersection of 47th Street and Pennsylvania Avenue, Kansas City, Missouri. Phillips admitted he knew the Volvo was stolen. Phillips stated he has served approximately 6 months in prison for his felony convictions and he was aware that he was precluded from possessing a firearm.
9. A review of Phillips' criminal history revealed the following:

Felony Convictions:

- A. In Case Number 2018CR000234, in the 29th District Court of Wyandotte County, Kansas, Phillips was convicted of Burglary; Vehicle. Phillips was found guilty on August 10, 2018 and was sentenced to a confinement of six months.
- B. In Case Number 19CR03100, in the 10th District Court of Johnson County, Kansas, Phillips was convicted of Identity Theft. Phillips was found guilty on June 4, 2020 and sentenced to a confinement of twelve months.

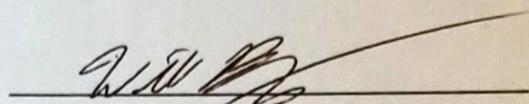
Other Offenses:

- A. Phillips has drug use, possession, and paraphernalia charges in 2017, 2018, and 2020 out of Johnson County, Kansas.
- B. Pending charges for unlawful possession of a firearm (case # 2016CR00198) filed in January 2020 out of Jackson County Missouri.
10. Bureau of Alcohol Tobacco, Firearms and Explosives ("ATF") Special Agent Jeff Brock, who has been trained as an interstate nexus expert for the ATF has opined

that the Springfield, Model XDS, 9mm caliber, semi-automatic handgun, bearing Serial Number S3794358 was not manufactured in the State of Missouri. As this firearm was found in the State of Missouri and it was manufactured elsewhere, the firearm necessarily previously crossed state lines and was accordingly transported in interstate commerce prior to August 4, 2020.

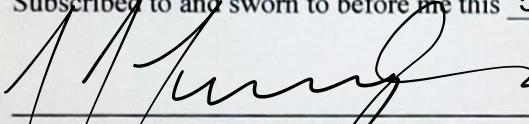
The aforementioned violations occurred in the City of Kansas City, County of Jackson, Missouri, located in the Western District of Missouri.

FURTHER AFFIANT SAYETH NAUGHT.


WILLIAM BARNETT
Special Agent, Career Criminal Task Force
Federal Bureau of Investigation

Subscribed to and sworn to before me this 5th day of August, 2020.

By
telephone


HONORABLE JOHN T. MAUGHMER
United States Magistrate Judge
Western District of Missouri